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10/759,901

01/16/2004

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EXAMINER

TO, JENNIFER N

ART UNIT

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2195

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/759,901 | Applicant(s) ZARENIN ET AL. | |
| | Examiner JENNIFER N. TO | Art Unit 2195 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-6 are pending for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The claim language in the following claims is not clearly understood:

- i. as per claim 1, lines 7-8, it is not clearly understood what is meant by "each of the plurality of worker threads are programmed to performing identical functions in response to the request for information" (i.e. lines 3-4, recited issuing a request for information to at least one of the plurality of active devices via a plurality of worker threads, and lines 7-8 recited the same worker threads performing identical functions in response to the request for information, thus the active devices are the one whom received the request, but doing nothing to the request, then what is the purposed of sending the request to the active devices).

- ii. as per claims 2-3, they have the same deficiencies as claim 1 above. Appropriate corrections are required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by McNally et al. (hereafter McNally) (U.S. Patent No. 6549932).

6. McNally was cited in the previous office action.

7. As per Claim 1, McNally teaches the invention as claimed including a method for identifying a plurality of active devices on a network (column 2, lines 15-18) comprising:

simultaneously issuing, via a plurality of worker threads (discovery agents) (column 2, lines 40-41 & column 10, lines 40-45), a request for information (column 2, lines 20-23) to at least one of the plurality of active device (column 2, lines 40-41 & column 10, lines 40-45), wherein the information comprises an indication of the presence of the active device on the network (column 1, lines 10-12), and wherein all of the plurality of worker threads are capable of

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performing identical functions in response to the request for information (column 2, lines 40-42 & column 6, lines 49-57);

receiving, in response to the request, the information (column 3, lines 53-61); and

storing the received information (column 3, lines 56-61).

8. As per claim 2, it is rejected for the same reason as claim 1 above.

9. Claims 1-2, and 4-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Garg et al. (hereafter Garg) (U.S. Patent No. 6834303).

10. As per Claim 1, Garg teaches the invention as claimed including a method for identifying a plurality of active devices on a network (abstract) comprising:

simultaneously issuing, via a plurality of worker threads (discover participant agents), a request for information to at least one of the plurality of active device, wherein the information comprises an indication of the presence of the active device on the network, and wherein all of the plurality of worker threads are capable of performing identical functions in response to the request for information (abstract; col. 4, line 50 through col. 5, line 17; col. 7, lines 39-66);

receiving, in response to the request, the information (col. 5, lines 17-27; col. 7, line 66 through col. 8, line 3); and

storing the received information (column 5, lines 25-27).

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11. As per claim 2, it is rejected for the same reason as claim 2 above.

12. As per Claim 4, Garg teaches the invention as claimed including a method for identifying a plurality of active devices on a network (abstract) comprising:

executing a program comprising issuing to each of the active devices one or more first requests for information comprising an indication of a presence of the device on the network and a device architecture (abstract; col. 4, line 50 through col. 5, line 17; col. 7, lines 39-66);

receiving in response to the first requests a response (col. 5, lines 17-27; col. 7, line 66 through col. 8, line 3);

receiving, based on the device architecture indicated in the response, one or more scripts that request additional information about the device, wherein the scripts are customizable and executed outside the program (col. 7, line 55 through col. 8, line 3);

executing the scripts (col. 7, line 66 through col. 8, line 3) ; and

receiving the additional information (col. 8, lines 3-8).

13. As per claims 5-6, they are rejected for the same reason as claim 4 above.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

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be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over McNally et al. (hereafter McNally) (U.S Patent No. 6549932).

16. McNally was cited in the previous office action.

17. As per Claim 3, McNally teaches the invention substantially as claimed including a computer system for identifying a plurality of active devices on a network (column 2, lines 15-18) comprising:

a computer that processes a plurality of request objects each comprising a representation of one of the active devices and a request for information for one of the active device (column 2, lines 17-18 & column 3, lines 34-35);

a manager object comprising a plurality of worker threads (discovery agents) (column 2, lines 41-44 & column 6, lines 49-57); wherein the manager object

receives each of the plurality of request objects (column 3, lines 56-61 & column 6, lines 49-57);

organizes each of the received request objects (column 6, lines 49-57);

distributes each of the received request objects to one of the plurality of worker threads, wherein all of the plurality of worker threads are

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programmed to perform identical functions in response to the request for information (column 2, lines 40-41 & column 6, lines 49-57);

receives asynchronously from each of the plurality of worker threads the request object after the request for information has been fulfilled (column 5, lines 55-63); and

organizes each of the received request objects after the request for information has been fulfilled (column 7, lines 53-58); and

a storage device coupled to the computer (column 3, lines 56-61 & column 16, lines 10).

18. However, McNally does not explicitly disclose that the request objects are placed in a request queue and a result queue. However, McNally does disclose that requests and results are placed into a list (column 5, lines 57-60).

19. It would have been obvious to one of ordinary skill in the art at the time of invention to have used either a list or a queue for organizing requests in McNally's invention. One would have been motivated to use either a list or a queue since both are capable of organizing data in a computer system in an easily manageable fashion and often can be used interchangeably in the computing arts.

Response to Arguments

20. Applicant's arguments filed 04/14/2008, with respect to claims 1-3 as being anticipated by McNally have been fully considered but they are not persuasive.

21. In the remark, applicant argued that McNally fails to teach that the worker threads are programmed to perform identical function.

22. Examiner respectfully disagreed with applicant. McNally clearly teaches that discover agents (worker threads) are centrally available to locate machine (to perform a discovery function) (col. 2, lines 40-42, col. 6, lines 49-57). Thus McNally teaches that all the worker threads are programmed to perform identical function.

23. In addition, applicant's arguments with respect to claims 1-2, and 4-6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see PTO 892 form for details).

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**

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See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER N. TO whose telephone number is (571)272-7212. The examiner can normally be reached on M-T 6AM- 3:30 PM, F 6AM- 2:30 PM.

27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meng-Ai An/
Supervisory Patent Examiner, Art Unit 2195

Jennifer N. To
Examiner
Art Unit 2195